

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

**BEFORE THE**  
**ILLINOIS COMMERCE COMMISSION**

**ORIGINAL**  
ILLINOIS  
COMMERCE COMMISSION

May 31 4 28 PM '00

In the Matter of )

LEVEL 3 COMMUNICATIONS, LLC )

Petition for Arbitration Pursuant to Section 252(b)  
of the Telecommunications Act of 1996 to  
Establish an Interconnection Agreement with  
Illinois Bell Telephone Company  
d/b/a Ameritech Illinois )

) Docket No. 00-0332

CHIEF CLERK'S OFFICE

**MOTION OF**  
**LEVEL 3 COMMUNICATIONS, LLC**  
**TO DEFER CONSIDERATION OF ISSUE 1a**  
**IN ARBITRATION PROCEEDING**

Level 3 Communications, LLC ("Level 3"), by counsel, submits its Motion to defer consideration of Issue 1a in the above-captioned arbitration proceeding before the Illinois Commerce Commission ("Commission") pending completion of the recently announced generic proceeding on reciprocal compensation.<sup>1</sup>

When Level 3 submitted its Petition for Arbitration for filing, the Commission had not issued a final decision in Docket No. 00-0027, the arbitration between Focal Communications Corporation of Illinois ("Focal") and Illinois Bell Telephone Company d/b/a Ameritech Illinois ("Ameritech"). Subsequent to the filing of the Petition here, the Commission released its final order in Docket No. 00-0027. In that final order (at page

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<sup>1</sup> *Focal Communications Corporation of Illinois Petition for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Illinois Bell Telephone Company, d/b/a Ameritech Illinois, Docket No. 00-0027 (Ill. Commerce Comm'n May 8, 2000).* This is not to say that Level 3 wishes to withdraw Issue 1a as an arbitration issue; rather, as explained below, Level 3 asks that the Commission maintain the status quo with respect to reciprocal compensation obligations between carriers in Illinois pending a more global consideration of these obligations in the generic proceeding.

12), the Commission ruled that, consistent with its prior decisions, "ISP bound calls are local and should be due reciprocal compensation." The Commission noted, however, potential "dramatic shifts in the utilization of the local exchange network" and stated that "since the issues raised here related to reciprocal compensation are likely to be very similar to those raised in other arbitration proceedings and other market participants have not been party to this proceeding, we conclude that this arbitration decision is not the proper place for the Commission to adopt a position which will have far-reaching competitive and economic effects upon the telecommunications marketplace." The Commission therefore concluded that Staff should initiate a generic proceeding.

In light of this determination by the Commission, Level 3 submits that it is not appropriate to address changes to the reciprocal compensation arrangements between it and Ameritech in this docket. Rather, for the reasons identified in the Commission's final order, the Commission's and the parties' time and resources would be better served by deferring consideration of questions surrounding reciprocal compensation for ISP-bound traffic to this generic proceeding. In the interim, Level 3 and Ameritech should be required to abide by existing law that classifies ISP-bound traffic as local for purposes of reciprocal compensation.


Addressing the question of reciprocal compensation in the impending generic proceeding would allow the parties and the Commission to devote more time to a careful consideration of other disputed issues in this docket without prejudicing either party's rights as to these reciprocal compensation issues. It would also allow the parties and the Commission to avoid a waste of resources through the filing of repetitive testimony and other evidence, minimize likely discovery disputes over the scope of questions relating to

reciprocal compensation, and eliminate the need for the appearance of additional witnesses to speak to reciprocal compensation issues. Finally, deferring consideration of reciprocal compensation questions for the generic proceeding would ensure a uniform industry-wide solution to these issues, consistent with the Commission's expressed intent in its final order in Docket No. 00-0027. The public interest would therefore be served by deferring to the generic proceeding those questions that relate to compensation for the termination of ISP-bound traffic.

For the foregoing reasons, Level 3 requests that: (i) reciprocal compensation questions, as raised in Issue 1a of Level 3's Petition for Arbitration, be deferred for consideration in a generic proceeding; and (ii) until such time as a final decision is issued in the generic proceeding, the Parties be required to abide by existing law, which requires reciprocal compensation for ISP-bound traffic.

Respectfully submitted,

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Dated: May 30, 2000

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District of Columbia )  
)  
)

**VERIFICATION**

I, Edward W. Kirsch, do on oath depose and state that the facts contained in the foregoing document are true and correct to the best of my knowledge and belief.

Edward W. Kirsch

Edward W. Kirsch  
Counsel for Level 3 Communications, LLC

Signed and Sworn to  
before me this 30th day of  
May, 2000.

James Michael Knox

**JAMES MICHAEL KNOX**  
Notary Public District of Columbia  
My Commission Expires: 02/28/2005

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 30, 2000, he/she has caused copies of the attached motion to be served on each of the persons listed below via overnight mail:

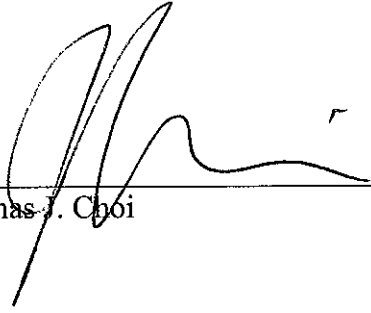
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